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Attorney for State

**FILED**  
3-18-13  
10:40 am  
Kristie Lee Boelter  
CLERK OF THE  
DISTRICT COURT  
By \_\_\_\_\_

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

STATE OF MONTANA,  
Plaintiff,

vs.

LIONEL SCOTT ELLISON,  
Defendant.

CAUSE NO. DC 11-0767

JUDGE RUSSELL C. FAGG

**AMENDED NOTICE OF INTENT TO  
CALL WITNESSES AND INTRODUCE  
EVIDENCE**

Comes now, the State of Montana, by and through Special Deputy County Attorney Jameson C. Walker, for the State of Montana, and respectfully notices this Court of the State's intent to potentially call witnesses and introduce evidence in the above-captioned case. The State's previous filing contained an editing error in describing Mr. Tehle's anticipated testimony. This draft fixes that mistake.

Lay Witnesses:

1. Harper, Cindy  
Payne Financial Group Inc.  
2323 2<sup>nd</sup> Ave. N.  
P.O. Box 30638  
Billings, MT 59107-0638

Ms. Harper is an insurance producer at Payne Financial Group. She initially took the Defendant's claim that vandalism caused damage to his home. She was present when the Defendant called the insurance company and repeated his claim. Ms. Harper is anticipated to testify regarding the Defendant's representations to the insurance company and to her.

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2. Norman, Jennifer  
Payne Financial Group Inc.  
2323 2<sup>nd</sup> Ave. N.  
P.O. Box 30638  
Billings, MT 59107-0638

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Ms. Norman is an insurance producer at Payne Financial Group and was the Defendant's insurance producer. Ms. Norman received and reviewed photographs that the Defendant submitted on behalf of his claim. Ms. Norman is anticipated to testify regarding what the Defendant told her, her handling of his claim, and to testify regarding the photographs submitted to her by the Defendant.

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3. Johnson, Ryan  
Travelers Insurance Company  
RNCHO Cord Clm A260  
P.O. Box 15439  
Sacramento, CA 958510439

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Mr. Johnson was a claims representative for the insurance company. He surveyed the damage to the Defendant's home on or about February 15, 2011, with the Defendant. Mr. Johnson handled the Defendant's insurance claim. Mr. Johnson is anticipated to testify regarding what he observed at the house and what the Defendant told him in support of his insurance claim.

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4. Any witness called by the Defendant.
  5. Any rebuttal witness as necessary.

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Expert Witnesses:

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6. Robert Tehle  
Master Plumber  
Alpine Plumbing, Heating, & Cooling  
306 Moore Lane, Billings, MT 59101

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Mr. Tehle will testify as an expert concerning the water damage to the house located at 2475 S 17 Rd, in Ballantine, Montana. Mr. Tehle will testify that plugged sinks and fixtures did not cause damage to the house. Mr. Tehle will testify as to the cause of the damage in the house, specifically, broken pipes.

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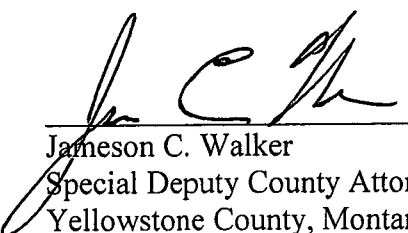
Exhibits:

- 23  
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1. Photographs Defendant submitted to the insurance company:
    - a. Broken Dishwasher (15:24)
    - b. Downstairs Ceiling 2 (15:23)
    - c. Downstairs Ceiling (15:20)
    - d. Graffiti in Bathroom (15:38)
    - e. Ruined Carpet (15:26)
    - f. Stollen (*sic*) Refrigerator&Trim (*sic*) missing (15:24)

- g. Wall Graffiti 2 (15:37)
  - h. Wall Graffiti 3 (15:38)
  - i. Wall Graffiti (15:37)
  - j. 056 (15:27)
  - k. 057 (15:27)
  - l. 067 (15:30)
2. Photographs taken pursuant to a search warrant on March 9, 2011.
    - a. IMG\_1970
    - b. IMG\_1971
    - c. IMG\_1973
    - d. IMG\_1976
    - e. IMG\_1977
    - f. IMG\_1979
    - g. IMG\_1984
    - h. IMG\_1986
    - i. IMG\_1988
    - j. IMG\_1989
    - k. IMG\_1996
    - l. IMG\_1997
    - m. IMG\_2001
    - n. IMG\_2003
  3. Travelers Estimate damage report prepared by Ryan Johnson, completed April 1, 2011.
  4. Travelers Claim Summary (Bates 294).
  5. Photographs taken by Ryan Johnson on February 15, 2012.
    - a. HGN3333001\_12
    - b. HGN3333001\_17
    - c. HGN3333001\_25
    - d. HGN3333001\_48
    - e. HGN3333001\_49
    - f. HGN3333001\_50
    - g. HGN3333001\_57
    - h. HGN3333001\_60
    - i. HGN3333001\_72
    - j. HGN3333001\_74
    - k. HGN3333001\_75
    - l. HGN3333001\_76
    - m. HGN3333001\_77
    - n. HGN3333001\_80
    - o. HGN3333001\_82
  6. Any exhibits listed by the Defendant.
  7. Any exhibit in conjunction with rebuttal witnesses.

1 8. Any exhibits provided to the Defendant through Discovery.  
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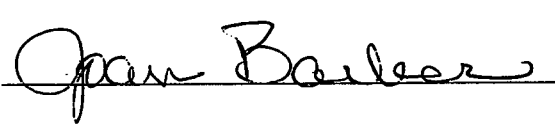
3 The State has provided all exhibits through Discovery. The State may present additional  
4 exhibits at the pre-trial conference if necessary.  
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6   
7 Jameson C. Walker  
8 Special Deputy County Attorney  
9 Yellowstone County, Montana  
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11 **CERTIFICATE OF SERVICE**

12 This is to certify that a true and accurate copy of the foregoing document was hand delivered,  
13 picked up by courier, or sent by U.S. Mail, postage paid, this 15th day of March, 2013, to the  
14 following:

15 Elizabeth Honaker  
16 208 N. 29th St, Ste 206  
17 P.O. Box 2236  
18 Billings, Montana 59103  
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